

**RESOLUTION 98-49
CONDITIONS OF APPROVAL -FINAL
TENTATIVE TRACT 28601
MAY 19, 1998**

GENERAL

1. Upon their approval by the City Council, the City Clerk is directed to file these Conditions of Approval with the Riverside County Recorder for recordation against the properties to which they apply.
2. Tentative Tract Map 28601 shall comply with the requirements and standards of §§ 66410-66499.58 of the California Government Code (the Subdivision Map Act) and Chapter 13 of the La Quinta Municipal Code (LQMC).
3. Prior to the issuance of a grading permit or building permit for construction of any building or use contemplated by this approval, the applicant shall obtain permits and/or clearances from the following public agencies:
 - Fire Marshal
 - Public Works Department (Grading Permit, Improvement Permit)
 - Community Development Department
 - Riverside Co. Environmental Health Department
 - Desert Sands Unified School District
 - Coachella Valley Water District
 - Imperial Irrigation District
 - California Regional Water Quality Control Board (NPDES Permit)

The applicant is responsible for any requirements of the permits or clearances from those jurisdictions. If the requirements include approval of improvement plans, applicant shall furnish proof of said approvals prior to obtaining City approval of the plans.

The applicant shall comply with applicable provisions of the City's NPDES stormwater discharge permit. For projects requiring project-specific NPDES construction permits, the applicant shall include a copy of the application for the Notice of Intent with grading plans submitted for plan checking. Prior to issuance of a grading or site construction permit, the applicant shall submit a copy of the proposed Storm Water Pollution Protection Plan for review by the Public Works Department.

4. Provisions shall be made to comply with the terms and requirements of the City's adopted Infrastructure Fee program in effect at the time of issuance of building permits.

PROPERTY RIGHTS

5. All easements, rights of way and other property rights required of the tentative map or otherwise necessary to facilitate the ultimate use of the development and functioning of improvements shall be dedicated, granted or otherwise conferred, or the process of said dedication, granting, or conferral shall be ensured, prior to approval of a final map, parcel map, or a waiver of parcel map. The conferral shall include irrevocable offers to dedicate or grant easements to the City for access to and maintenance, construction, and reconstruction of all essential improvements which are located on privately-held lots or parcels.
6. Prior to approval of a final map, parcel map or grading plan and prior to issuance of a grading permit, the applicant shall furnish proof of temporary, or permanent easements or written permission, as appropriate, from owners of any abutting properties on which grading, retaining wall construction, permanent slopes, or other encroachments are to occur.
7. If the applicant proposes vacation or abandonment of any existing rights of way, or access easements which will diminish access rights to any properties owned by others, the applicant shall provide approved alternate rights of way, or access easements to those properties, or notarized letters of consent from the property owners.
8. The applicant shall dedicate public and private street right of way and utility easements in conformance with the City's General Plan, Municipal Code, applicable specific plans, and as required by the City Engineer.
9. Dedications required of this development include:
 - A. Off-site Streets
 1. Jefferson Street - 60 feet half street width, except for southerly portion from Avenue 48 centerline to 370 feet north, which shall be a 80 half street width.
 2. Avenue 48 - 55 feet half street width.
 - B. On-site Streets - The street widths shall be as shown on the tentative map with the exception of the following:
 1. The main entry street to the Village Green shall be reduced such that the street width will be 32 feet wide with parking on one side while

maintaining the 60 foot right of way. The median shall be removed from the "F" Street entry with the same street section. The 48th Avenue median will require slight modifications.

2. To align the interior intersections of "A" Street with "B" Street and "D" Street with "J" Street, the median shall be removed. The street section will have a 36 foot width and a 70 foot right of way, with 17 feet of parkway for landscape and sidewalk.

Dedications shall include additional widths as necessary for dedicated right and left turn lanes, bus turnouts, and other features contained in the approved construction plans.

If the City Engineer determines that public access rights to proposed street rights of way shown on the tentative map are necessary prior to approval of final maps dedicating the rights of way, the applicant shall grant temporary public access easements to those areas within 60 days of written request by the City.

10. The applicant shall create perimeter setback lots, of minimum width as noted, adjacent to the following street rights of way:

- A. Jefferson Street - 20 feet wide.
- B. Avenue 48 - 20 feet wide.

Minimum widths may be used as average widths if meandering wall designs are approved.

Required setback areas or lots shall apply to all existing and proposed street frontage of the parcel or parcels being subdivided including, but not limited to, remainder parcels and lots dedicated or deeded to others such as water well and power substation sites.

Where public sidewalks are placed on privately-owned setback lots, the applicant shall dedicate blanket sidewalk easements over the setback lots.

11. The applicant shall vacate abutter's rights of access to the following streets from lots abutting the streets:

- A. Jefferson Street
- B. Avenue 48

Direct access to these streets shall be restricted to access points listed hereinafter or as approved by the City.

12. The applicant shall dedicate any easements necessary for placement of and access to utility lines and structures, drainage basins, mailbox clusters, park lands, and common areas.
13. The applicant shall cause no easements to be granted or recorded over any portion of this property between the date of approval by the City Council and the date of recording of any final map(s) covering the same portion of the property unless such easements are approved by the City Engineer.

FINAL MAP

14. Prior to approval of a final map, the applicant shall furnish accurate AutoCad files of the complete map, as approved by the City's map checker, on storage media and in a program format acceptable to the City Engineer. The files shall utilize standard AutoCad menu choices so they may be fully retrieved into a basic AutoCad program.

If the map was not produced in AutoCad or a file format which can be converted to AutoCad, the City Engineer may accept raster-image files of the map.

IMPROVEMENT PLANS

15. Improvement plans submitted to the City for plan checking shall be submitted on 24" x 36" media in the categories of "Rough Grading," "Precise Grading," "Streets & Drainage," and "Landscaping." All plans except precise grading plans shall have signature blocks for the City Engineer. Precise grading plans shall have signature blocks for Community Development Director and the Building Official. Plans are not approved for construction until they are signed.

"Streets and Drainage" plans shall normally include signals, sidewalks, bike paths, gates and entryways, and parking lots. If water and sewer plans are included on the street and drainage plans, the plans shall have an additional signature block for the Coachella Valley Water District (CVWD). The combined plans shall be signed by CVWD prior to their submittal for the City Engineer's signature.

"Landscaping" plans shall normally include landscape improvements, irrigation, lighting, and perimeter walls.

Plans for improvements not listed above shall be in formats approved by the City Engineer.

16. The City may maintain standard plans, details and/or construction notes for elements of construction. For a fee established by City resolution, the applicant may acquire standard plan and/or detail sheets from the City.
17. When final plans are approved by the City, and prior to approval of the final map, the applicant shall furnish accurate AutoCad files of the complete, approved plans on storage media acceptable to the City Engineer. The files shall utilize standard AutoCad menu choices so they may be fully retrieved into a basic AutoCad program. At the completion of construction and prior to final acceptance of improvements, the applicant shall update the files to reflect as-constructed conditions including approved revisions to the plans.

If the plans were not produced in AutoCad or a file format which can be converted to AutoCad, the City Engineer may accept raster-image files of the plans.

IMPROVEMENT AGREEMENT

18. The applicant shall construct improvements and/or satisfy obligations, or furnish an executed, secured agreement to construct improvements and/or satisfy obligations required by the City prior to approval of a final map or parcel map or issuance of a certificate of compliance for a waived parcel map. For secured agreements, security provided, and the release thereof, shall conform with Chapter 13, LQMC.

Improvements to be made or agreed to shall include removal of any existing structures or obstructions which are not part of the proposed improvements.

19. If improvements are secured, the applicant shall provide approved estimates of improvement costs. Estimates shall comply with the schedule of unit costs adopted by City resolution or ordinance. For items not listed in the City's schedule, estimates shall meet the approval of the City Engineer.

Estimates for utilities and other improvements under the jurisdiction of outside agencies shall be approved by those agencies. Security is not required for telephone, gas, or T.V. cable improvements. However, tract improvements shall not be agendized for final acceptance until the City receives confirmation from the telephone authority that the applicant has met all requirements for telephone service to lots within the development.

20. If improvements are phased with multiple final maps or other administrative approvals (plot plans, conditional use permits, etc.), off-site improvements and development-wide improvements (e.g., retention basins, perimeter walls & landscaping, gates) shall be constructed or secured prior to approval of the first phase unless otherwise approved by the City Engineer. Improvements and obligations required of each phase shall be completed and satisfied prior to completion of homes or occupancy of permanent buildings within the phase unless a construction phasing plan is approved by the City Engineer.
21. The applicant shall pay cash or provide security in guarantee of cash payment for applicant's required share of improvements which have been or will be constructed by others (participatory improvements).

Participatory improvements for this development include:

- A. Existing traffic signal at Jefferson Street/Avenue 48 - 25%
- B. Avenue 48: north half of existing street improvements - 100%
- C. Jefferson Street: west half of future landscaped median - 100%

The applicant's obligations for all or a portion of the participatory improvements may, at the City's option, be satisfied by participation in a major thoroughfare improvement program if this development becomes subject to such a program.

GRADING

22. Graded, undeveloped land shall be maintained to prevent dust and blowsand nuisances. The land shall be planted with interim landscaping or provided with other wind and water erosion control measures approved by the Community Development and Public Works Departments.
23. Prior to occupation of the project site for construction purposes, the Applicant shall submit and receive approval of a Fugitive Dust Control plan prepared in accordance with Chapter 6.16, LQMC. In accordance with said Chapter, the applicant shall furnish security, in a form acceptable to the City, in an amount sufficient to guarantee compliance with the provisions of the permit.
24. The applicant shall comply with the City's Flood Protection Ordinance.

25. The applicant shall furnish a thorough preliminary geological and soils engineering report (the "soils report") with the grading plan.
26. A grading plan shall be prepared by a registered civil engineer and must meet the approval of the City Engineer prior to issuance of a grading permit. The grading plan shall conform with the recommendations of the soils report and shall be certified as adequate by a soils engineer or an engineering geologist. A statement shall appear on the final map(s), if any are required of this development, that a soils report has been prepared pursuant to Section 17953 of the Health and Safety Code.
27. The applicant shall endeavor to minimize differences in elevation at the interface of this development with abutting properties and of separate tracts and lots within this development. Building pad elevations on contiguous lots shall not differ by more than three feet except for lots within a tract, but not sharing common street frontage, where the differential shall not exceed five feet. If compliance with this requirement is impractical, the City will consider and may approve alternatives which minimize safety concerns, maintenance difficulties and neighboring-owner dissatisfaction with the grade differential.
28. Prior to issuance of building permits, the applicant shall provide a separate document, bearing the seal and signature of a California registered civil engineer or surveyor, that lists actual building pad elevations for the building lots. The document shall list the pad elevation approved on the grading plan, the as-built elevation, and the difference between the two, if any. The data shall be organized by lot number and shall be listed cumulatively if submitted at different times.

DRAINAGE

29. The applicant shall comply with the provisions of Engineering Bulletin No. 97.03 and the following:
30. The design of the development shall not cause any increase in flood boundaries, levels or frequencies in any area outside the development.
31. Stormwater falling on site during the peak 24-hour period of a 100-year storm (the design storm) shall be retained within the development unless otherwise approved by the City Engineer. The tributary drainage area shall extend to the centerline of adjacent public streets.
32. Stormwater shall normally be retained in common retention basins. Individual-lot basins or other retention schemes may be approved by the City Engineer for lots

- 2 ½ acres in size or larger or where the use of common retention is determined by the City Engineer to be impracticable. If individual-lot retention is approved, the applicant shall meet all individual-lot retention provisions of Chapter 13.24, LQMC.
33. Storm flow in excess of retention capacity shall be routed through a designated overflow outlet and into the historic drainage relief route.
 34. Storm drainage historically received from adjoining property shall be received and retained or passed through into the historic downstream drainage relief route.
 35. In design of retention facilities, the maximum percolation rate shall be two inches per hour. The percolation rate will be considered to be zero unless the applicant provides site-specific data indicating otherwise.
 36. If not specified otherwise in Specific Plan 97-031, the retention basin slopes shall not exceed 3:1. If retention is on individual lots, the retention depth shall not exceed two feet. If retention is in one or more common retention basins, the retention depth shall not exceed six feet.
 37. Nuisance water shall be retained on site. A trickling sand filter and leachfield of a design approved by the City Engineer shall be installed to percolate nuisance water. The sand filter(s) shall be sized to percolate 3.5 gallons per house per hour. The leachfield line(s) shall be sized to percolate 20 gallons per house per day.
 38. In developments for which security will be provided by public safety entities (e.g., the La Quinta Safety Department or the Riverside County Sheriff's Department), all areas of common retention basins shall be visible from the adjacent street(s). No fence or wall shall be constructed around retention basins except as approved by the Community Development Director and the City Engineer.
 39. If the applicant proposes drainage of stormwater from a design storm directly or indirectly to public waterways, the applicant and, subsequently, the Homeowners' Association shall be responsible for any sampling and testing of the development's effluent which may be required under the City's NPDES Permit or other City- or area-wide pollution prevention program and for any other obligations and/or expenses which may arise from the such discharge of the development's stormwater or nuisance water. The tract CC & Rs shall reflect the existence of this potential obligation.

UTILITIES

40. All existing and proposed utilities within or adjacent to the proposed development shall be installed underground. High-voltage power lines which the power authority will not accept underground are exempt from this requirement.
41. In areas where hardscape surface improvements are planned, underground utilities shall be installed prior to construction of surface improvements. The applicant shall provide certified reports of utility trench compaction tests for approval of the City Engineer.

STREET AND TRAFFIC IMPROVEMENTS

42. The City is contemplating adoption of a major thoroughfare improvement program. If the program is in effect 60 days prior to recordation of any final map or issuance of a certificate of compliance for any waived final map, the development or portions thereof may be subject to the provisions of the ordinance.

If this development is not subject to a major thoroughfare improvement program, the applicant shall be responsible for all street and traffic improvements required herein.

43. The following minimum street improvements shall be constructed to conform with the General Plan street type noted in parentheses:

A. OFF-SITE STREETS

1. Jefferson Street - Construct 51-foot half of 102-foot (curbface to curbface) improvement plus a 6-foot wide meandering sidewalk.
2. Avenue 48 - Construct a 6-foot wide meandering sidewalk.

B. ON-SITE PRIVATE STREETS

The on-site residential street shall be constructed per the concepts shown on Sheets C3 and C6 in Specific Plan 97-031, with the exception of the following:

1. The main entry street to the Village Green shall be reduced such that the street width will be 32 feet wide with parking on one side while

maintaining the 60 foot right of way. The median shall be removed from the "F" Street entry with the same street section. The 48th Avenue median will require slight modifications.

2. To align the interior intersections of "A" Street with "B" Street and "D" Street with "J" Street, the median shall be removed. The street section will have a 36 foot width and a 70 foot right of way, with 17 feet of parkway for landscape and sidewalk.

Entry drives, main interior circulation routes, turn knuckles, corner cutbacks, bus turnouts, dedicated turn lanes, and other features contained in the approved construction plans may warrant additional street widths as determined by the City Engineer.

44. Access points and turning movements of traffic shall be restricted as follows:
 - A. Full turn access to Avenue 48 from Street A .
 - B. Left turn in, no left turn out, right turn only (in and out) access to Avenue 48 from Street F.
45. Improvements shall include all appurtenances such as traffic signs, channelization markings and devices, raised medians if required, street name signs, sidewalks, and mailbox clusters approved in design and location by the U.S. Post Office and the City Engineer. Mid-block street lighting is not required.
46. The City Engineer may require improvements extending beyond development boundaries such as, but not limited to, pavement elevation transitions, street width transitions, or other incidental work which will ensure that newly constructed improvements are safely integrated with existing improvements and conform with the City's standards and practices.
47. Improvement plans for all on- and off-site streets and access gates shall be prepared by registered professional engineer(s) authorized to practice in the State of California. Improvements shall be designed and constructed in accordance with the LQMC, adopted Standard and Supplemental Drawings and Specifications, and as approved by the City Engineer.

48. Street right of way geometry for culs de sac, knuckle turns and corner cut-backs shall conform with Riverside County Standard Drawings #800, #801, and #805 respectively unless otherwise approved by the City Engineer.
49. All streets proposed to serve residential or other access driveways shall be designed and constructed with vertical curbs and gutters or shall have other approved methods to convey nuisance water without ponding and to facilitate street sweeping.
50. Street pavement sections shall be based on a Caltrans design for a 20-year life and shall consider soil strength and anticipated traffic loading (including site and building construction traffic). The minimum pavement sections shall be as follows:

Residential & Parking Areas	3.0" a.c./4.50" a.b.
Collector	4.0"/5.00"
Secondary Arterial	4.0"/6.00"
Primary Arterial	4.5"/6.00"
Major Arterial	5.5"/6.50"

The listed structural sections are minimums, not defaults. Street pavement sections shall be designed using Caltrans design procedures with site-specific data for soil strength and traffic volumes.

The applicant shall submit current (no more than two years old) mix designs for base materials, Portland cement concrete and asphalt concrete, including complete mix design lab results, for review and approval by the City. For mix designs over six months old, the submittal shall include recent (no more than six months old at the time proposed for construction) aggregate gradation test results to confirm that the mix design gradations can be reproduced in production of the base or paving material. Construction operations shall not be scheduled until mix designs are approved.

51. Final inspection and occupancy of homes or other permanent buildings within the development will not be approved until the homes or permanent buildings have improved access, including street and sidewalk improvements, traffic control devices and street name signs, to publicly-maintained streets. If on-site streets are initially constructed with only a portion of the full thickness of pavement, the applicant shall complete the pavement when directed by the City, but in any case prior to final inspections of any of the final ten percent of homes within the tract.

LANDSCAPING

52. Perimeter walls and required landscaping for the entire perimeter to be enclosed shall be constructed prior to final inspection and occupancy of any homes within the tract unless a phasing plan or construction schedule is approved by the City Engineer.
53. The applicant shall provide landscape improvements in the perimeter setback areas or lots along the following streets:
 - A. Jefferson Street.
 - B. Avenue 48
54. Landscape and irrigation plans for landscaped lots, landscape setback areas, medians, common retention basins, and park facilities shall be prepared by a licensed landscape architect.

Landscape and irrigation plans shall be approved by the Community Development Department. Landscape and irrigation construction plans shall be submitted to the Public Works Department for review and approval by the City Engineer. The plans are not approved for construction until they have been approved and signed by the City Engineer, the Coachella Valley Water District, and the Riverside County Agricultural Commissioner.
55. Slopes shall not exceed 5:1 within public rights of way and 3:1 in landscape areas outside the right of way unless otherwise approved by the City Engineer.
56. Landscape areas shall have permanent irrigation improvements meeting the requirements of the City Engineer. Use of lawn shall be minimized with no lawn or spray irrigation within 5-feet of curbs along public streets.
57. Unless otherwise approved by the City Engineer, common basins and park areas shall be designed with grades and turf grass surface which can be mowed with standard tractor-mounted equipment.
58. The applicant shall ensure that landscaping plans and utility plans are coordinated to provide visual screening of above-ground utility structures.

PUBLIC SERVICES

59. The applicant shall provide public transit amenities as required by Sunline Transit and/or the City Engineer. These amenities shall include, as a minimum, a bus turnout location and passenger waiting shelter along the following street:

A. Jefferson Street

The location and character of the turnout and shelter shall be as determined by Sunline Transit and the City Engineer.

QUALITY ASSURANCE

60. The applicant shall employ construction quality-assurance measures which meet the approval of the City Engineer.

61. The subdivider shall arrange and bear the cost of measurement, sampling and testing not included in the City's permit inspection program but which are required by the City to provide evidence that materials and their placement comply with plans and specifications. Testing shall include a retention basin sand filter percolation test, as approved by the City Engineer, after required tract improvements are complete and soils have been permanently stabilized.

62. The applicant shall employ or retain California registered civil engineers, geotechnical engineers, or surveyors, as appropriate, who will provide, or have their agents provide, sufficient supervision and verification of the construction to be able to furnish and sign accurate record drawings.

63. Upon completion of construction, the applicant shall furnish the City reproducible record drawings of all plans which were signed by the City Engineer. Each sheet of the drawings shall have the words "Record Drawings," "As-Built" or "As-Constructed" clearly marked on each sheet and be stamped and signed by the engineer or surveyor certifying to the accuracy of the drawings. The applicant shall revise the plan computer files previously submitted to the City to reflect the as-constructed condition.

MAINTENANCE

64. The applicant shall make provisions for continuous and perpetual maintenance of all required improvements unless and until expressly released from said responsibility by the City.

FEES AND DEPOSITS

65. The applicant shall pay all deposits and fees required by the City for plan checking and construction inspection. Deposit and fee amounts shall be those in effect when the applicant makes application for plan checking and permits.
66. Prior to approval of a final map or completion of any approval process for modification of boundaries of the property subject to these conditions, the applicant shall process a reapportionment of any bonded assessment(s) against the property and pay the cost of the reapportionment.

MISCELLANEOUS

67. Applicant agrees to indemnify, defend, and hold harmless the City of La Quinta in the event of any legal claim or litigation arising out of the City's approval of this project. The City of La Quinta shall have the right to select its defense counsel in its sole discretion.
68. A mitigation fee of \$600 per acre shall be paid to the City of La Quinta for the threatened Fringe-Toed Lizard fee prior to issuance of a grading permit.